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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,769

03/25/2004

Ron Smith

3428

9086

27727

7590

05/18/2005

PEDERSEN & COMPANY, PLLC

P.O. BOX 2666

BOISE, ID 83701

EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,769

Applicant(s)

SMITH, RON

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

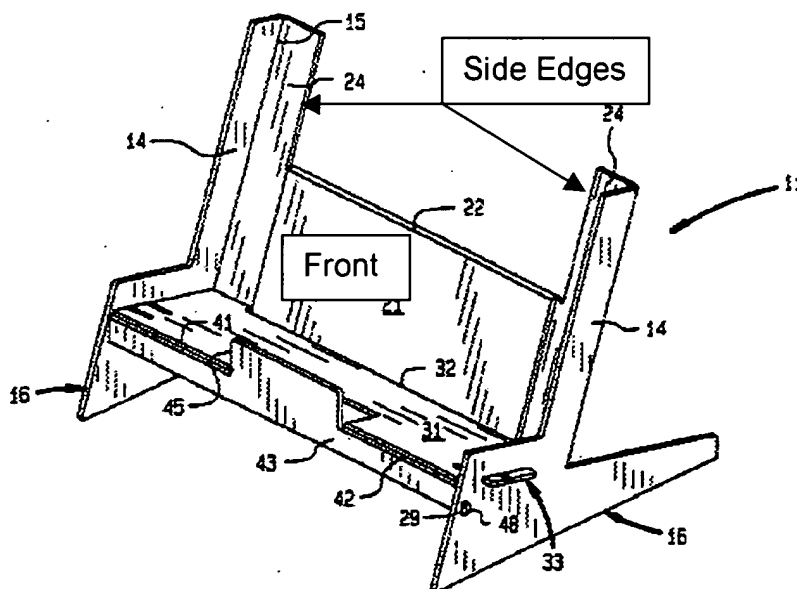
This is the **Final Office Action** for application number 10/810,769 Foldable Book Holder, filed on 3/25/04. Claims 1, 3-8, 10-15 and 17-20 are pending. This **Final Office Action** is in response to applicant's reply dated 2/22/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

Claims 1, 3, 4, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5277388 to Denaro.

The patent to Denaro discloses a foldable reading stand (11) having a single, rigid plate panel (21) having a front surface (See Drawing), a rear surface and a right and left side edges (See Drawing Below).

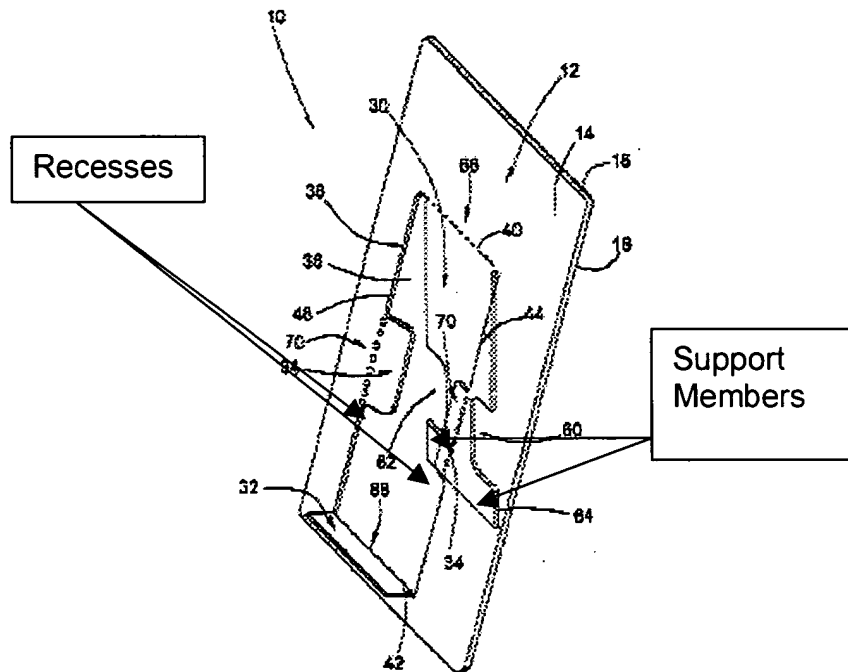


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Denaro also teaches a shelf (31) connected to the panel and pivotal to a closed position parallel to the panel (See Fig. 5) and to an operational position at an angle, and two support members (14) pivotally attached to a rear surface of the panel at an angle between 5 and 25 degrees near to and respective to the side edges (the angle of the hinge will be between this range sometime during the changing of the device between an operational position and a closed configuration), by a support hinge (15) that is at an angle relative to a respective one of the right and left edges of the panel connected to a rear surface of the panel near the right and left side edges and are vertical when in the operational configuration and a securement system (35, 36, 48, 28, 29) and a securement systems (33) that attach to the shelf in both the operational and the closed configuration.

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6672549 to Kolb.

Kolb discloses a foldable reading stand (10) having a panel (12) having a front surface, a rear surface and a right and left side edges, a shelf (32) connected to the panel (12) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (64) pivotally attached near to the right and left edges and to the rear surface of the panel (12) by a support hinge that is at an angle relative to a respective one of the right and left side edges and the support members are vertical when in the operational configuration, wherein the panel has recesses (See Drawing Below) to receive the support members



Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4610416 to Choi

Choi discloses a foldable reading stand (10) having a panel (11) having a front surface, a rear surface and a right and left side edges, a shelf (26) connected to the panel (11) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (21) pivotally attached near the right and left side edges and to the rear surface of the panel (11) by a support member hinge which is at an angle relative to a respective one of the right and left side edges of the

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panel and wherein the support members are vertical when in the operational configuration and a reading light (See Col. 1, lines 32-35).

Claim Rejections - 35 USC § 103

Claims 5-7, 11-14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5277388 to Denaro as applied to claim 1 above.

Denaro shows applicant's basic inventive concept, some of the elements which are shown above and including a foldable reading stand (11) having a single, rigid plate panel (21) having a front surface, a rear surface and a right and left side edges, a shelf (31) connected to the panel and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (14) pivotally connected at an angle between 5 and 25 degrees, by a hinge (15) connected to a rear surface of the panel near the right and left side edges and are vertical when in the operational configuration.

Denaro also shows a plurality of grooves (28, 29) or notches (28, 29) on the support members and a tab (48, 36) or a protrusion (48, 36) on the shelf which frictionally are received in a single one of support grooves and including a protruding snap (35) on the shelf to be frictionally engaged with a groove to aid in securing the device together all which can be pivoted parallel to each other.

Denaro does not show wherein the grooves are on the shelf and the tab and protruding snap are on the support members. It would have been obvious to one

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having ordinary skill in the art at the time of the invention was made to reverse the tab, protruding snap and grooves, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5277388 to Denaro as applied to claim 11 above and further in view of United States Patent No. 6672549 to Kolb.

Denaro shows the basic inventive concept as shown above with the exception that it does not show wherein the panel has support members to receive the support members.

Kolb discloses a foldable reading stand (10) having a panel (12) having a front surface, a rear surface and a right and left side edges, a shelf (32) connected to the panel (12) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (64) pivotally connected to the rear of the panel (12) near the right and left side edges and are vertical when in the operational configuration, wherein the panel has recesses (See Drawing Above) to receive the support members. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Kolb to have modified the panel to have recesses in order to receive the support members while in a closed position.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5277388 to Denaro as applied to claim 1 above as applied to claim 11 above and further in view of United States Patent No. 4610416 to Choi

Denaro shows the basic inventive concept as shown above with the exception that it does not show wherein the device has a reading light.

Choi discloses a foldable reading stand (10) having a panel (11) having a front surface, a rear surface and a right and left side edges, a shelf (26) connected to the panel (11) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (21) pivotally connected to the rear of the panel (11) near the right and left side edges and are vertical when in the operational configuration and a reading light (See Col. 1, lines 32-35).

Response to Arguments

The applicant has argued that the Denaro reference does not disclose the limitation of the hinge member being in an angle range between 5 and 25 degrees, being that the hinge is parallel to the side edges. This is unpersuasive in that at least a portion of the hinges would vary the range of angle relativity to side edges as it is made operation, moving from a position of 0 degrees in a closed position and to a position of 90 degrees in an operational position.

The applicant has also argued that Denaro does not show wherein the securement systems attach the support members to the shelf during an operational and closed configuration. This is unpersuasive a closed position and an operational

position both of which could be represented by the same position by definition, when the stand is closed together and operational. The applicant also argues that the term "flat" is synonymous with the term "closed". This applicant is arguing the claims narrower than claimed.

The applicant has argued that Kolb does not teach two support members, but instead one support member with two flaps. This is unpersuasive, see the marked Drawing above for clarity.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to

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reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


AJS

Amy J. Sterling
5/11/05


ANITA KING
PRIMARY EXAMINER